



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(118)

CR-6201-2025 (O&M)
Date of Decision: **-09.09.2025**

KRISHAN KUMAR

... Petitioner

Versus

SUDEEP GARG AND OTHERS

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Sanjiv Kumar Jindal, Advocate
for the petitioner.

Mr. Chandan Singh Rana, Advocate
for the Caveators/respondents No.1 and 3.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court to assail the legality and validity of the impugned order dated 07.08.2025 (**Annexure P-1**), passed by the learned Additional District Judge, Ludhiana.
2. By the aforesaid order, the learned Appellate Court allowed the application moved by the respondent/appellant, permitting him to furnish a bank guarantee in lieu of the actual payment of the decretal amount. The petitioner contends that the impugned order not only defeats the object of execution proceedings but also amounts to an unjustified indulgence to the judgment-debtor, thereby necessitating interference by this Court in exercise of its supervisory powers to ensure that the Subordinate Courts Act within



the bounds of their jurisdiction and in accordance with settled legal principles.

3. The impugned order has been assailed by the petitioner/decreeholder on the ground that the respondent/appellant-judgment debtor has consistently adopted a non-cooperative and evasive approach, having failed to comply with the directions issued by the Court on multiple occasions. It is further contended that the respondent/appellant is attempting to delay the execution proceedings by engaging in a game of hide-and-seek with the judicial process. The petitioner has also challenged the acceptance of the bank guarantee furnished by the respondent/appellant, contending that it lacks *bona-fide*, particularly when the draft of the decretal amount was already brought before the Court by the respondent's bank, thereby rendering the furnishing of a bank guarantee both unnecessary and a tactic to defer actual payment.

4. Notice of motion.

5. At this stage, Mr. Chandan Singh Rana, learned Advocate, appears and accepts notice on behalf of caveators/respondents No.1 and 3. No further formal notice is required to be issued to the said respondents in view of the caveat having already been filed and notice now being duly accepted by their learned counsel.

6. By virtue of the impugned order, the interests of the petitioner/decreeholder stand adequately safeguarded, as the respondent/appellant was directed to furnish a bank guarantee equivalent to the decretal amount. Since the said direction has been duly complied with by the respondent/appellant, the payment of the decretal amount stands



effectively secured. In view thereof, no illegality or material infirmity can be found in the impugned order warranting interference by this Court.

7. At this stage, learned counsel for the petitioner submits that the petitioner is a senior citizen aged approximately 73 years. It is further pointed out that although the learned First Appellate Court has admitted the appeal for hearing, there is a likelihood that the matter may remain pending for several years, thereby depriving the petitioner/decreed-holder to get ripened fruits of the decree passed in his favour. In these circumstances, it is respectfully prayed that appropriate directions be issued to the learned Appellate Court to make an endeavour to dispose of the appeal expeditiously, preferably within a period of two months.

8. Considering the fact that the petitioner/plaintiff/decreed-holder is a senior citizen aged 73 years, and bearing in mind that matters involving senior citizens are to be accorded priority and disposed of expeditiously, this Court is of the view that no undue delay should be caused in the adjudication of the appeal. Accordingly, taking into account the age and circumstances of the petitioner, the learned First Appellate Court is directed to make all endeavours to dispose of the appeal within a period of six months from the date already fixed before it. The present revision petition stands disposed of in the above terms.

9. However, observations made herein above may not to be construed as opinion on the merits of the case. Same are purely confined to the present controversy and deliberations.



10. Having thoroughly adjudicated upon the principal matter at hand and rendered a conclusive decision, it is hereby ordered that all pending miscellaneous application(s), if any remain outstanding or unresolved at this stage, shall stand disposed of forthwith in light of and consequential to the main order passed herein, thereby rendering any further consideration of such applications unnecessary.

09.09.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No